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In re Application of :
Michael F. Deering :
Application No. 09/751,673 :
Filed: December 29, 2000 :
Attorney Docket No. 5181-54400/P-4832 :

OFFICE OF PETITIONS
ON PETITION

This is a decision on the petition filed April 12, 2004, to withdraw the holding of abandonment, which is treated under 37 CFR 1.181(b), in accordance with the reasoning of the decision in Delgar Inc. v. Schuyler, 172 USPQ 513.

The petition is **GRANTED**.

This application became abandoned for failure to pay the issue fee on or before November 26, 2003 as was required by the Notice of Allowance mailed August 26, 2003. This application therefore became abandoned on November 27, 2003. Accordingly, a Notice of Abandonment was mailed March 15, 2004.

The file record discloses that the Notice of Allowance was mailed to the address of record. However, petitioner contends that it was not received. In support, petitioner indicates that a search of the file jacket revealed that the Notice was not received and submits copies of pages from the docketing system, wherein receipt of the Notice of Allowance would have been entered, had it been received to substantiate the claim. The statement and attachments corroborate non-receipt of the Notice of Allowance.

In view of the facts set forth in the petition, it is concluded that the Notice of Allowance was never received. Accordingly, the holding of abandonment is withdrawn. No petition fee is due and none will be charged.

This application is being forwarded to the Technology Center 2671 for a remailing of the Notice of Allowance and Notice of Allowability.

Telephone inquiries concerning this matter should be directed to the undersigned Petitions Attorney at (571) 272-3212.

Patricia Faison-Ball
Senior Petitions Attorney
Office of Petitions